

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Kenneth Margon

Application No. 09/482,054

Filed: January 13, 2000

For: SYTEM AND METHOD FOR
SINGLE-POINT TO FIXED
MULTIPOINT DATA
COMMUNICATION

Group Art Unit: 6497

Examiner: Steven H. D. Nguyen

Customer No.: 36183

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patents
P. O. 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeals to the Board of Patent Appeals and Interferences from the Final Office Action dated April 19, 2005 rejecting claims 1-18, 20-45, 47-71, 74-77 and 80-81, in the above-captioned application.

(37 C.F.R. §1.8a)

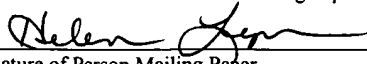
I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 19, 2005

Date of Deposit

Helen Lynn

Name of Person Mailing Paper

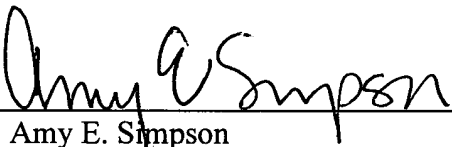

Signature of Person Mailing Paper

07/21/2005 SSITHIB1 00000046 502613 09482054
01 FC:2401 160.00 DA 90.00 OP

On February 20, 2003, a Notice of Appeal was filed and a fee of \$160 was paid to the U.S. Patent and Trademark Office. A copy of the previously filed Notice and payment of the required fee are attached for the Examiner's convenience. The Examiner withdrew the rejection before The Notice of Appeal went to the Board and issued a new rejection. Applicant submits herewith a check in the amount of \$90.00 to cover the increase in Patent Office Fees from the first Notice of Appeal filing in 2003 to the present. The Commissioner is also authorized to charge any additional fees associated with this filing or credit any over-payments to our Deposit Account No. 50-2613. Accordingly, applicant respectfully submits that this Notice of Appeal is being timely filed.

Respectfully submitted,

Dated: July 19, 2005

By: 
Amy E. Simpson
Reg. No. 54,688

PAUL, HASTINGS, JANOFSKY & WALKER LLP
P.O. Box 919092
San Diego, CA 92191-9092
Telephone: (858) 720-2500
Facsimile: (858) 720-2555

INV. DATE	INVOICE NO.	CLIENT/MATTER NO.	DESCRIPTION	AMOUNT
02/20/03	PTO0218	62942 000005	TWO-MONTH EXTENSION OF TIME + NOTICE OF APPEAL FEE	365.00
				\$365.00

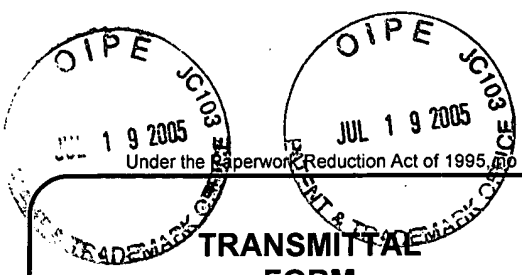
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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/482,054
Filing Date	January 13, 2000
First Named Inventor	Kenneth Margon
Art Unit	6497
Examiner Name	Steven H.D. Nguyen
Attorney Docket Number	58685.00010.RCE
Total Number of Pages in This Submission	5

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form in duplicate (2 pgs.) <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences with attached previously filed Notice of 2/20/03 and proof of payment of previous required fee (5 pgs.) <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Check in the amount of \$90.00 for Notice of Appeal fee increase from 2003 to present; and Return Postcard.
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Paul, Hastings, Janofsky & Walker LLP		
Signature			
Printed name	Amy E. Simpson, Esq.		
Date	July 19, 2005	Reg. No.	54,688

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Helen Lynn	Date	July 19, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL JUL 19 2005 for FY 2005		Complete If Known	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/482,054
		Filing Date	January 13, 2000
		First Named Inventor	Kenneth Margon
		Examiner Name	Steven H.D. Nguyen
		Art Unit	6497
TOTAL AMOUNT OF PAYMENT (\$) 90		Attorney Docket No.	58685.00010.RCE

METHOD OF PAYMENT (check all that apply)

☒ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify): _____

☒ Deposit Account
 Deposit Account Number: 50-2613
 Deposit Account Name: Paul, Hastings, Janofsky & Walker LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
 ☒ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = _____ x _____ = _____
 HP = highest number of total claims paid for, if greater than 20
Indep. Claims - 3 or HP = _____ x _____ = _____
 HP = highest number of independent claims paid for, if greater than 3

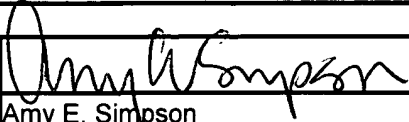
3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____ / 50 = _____ (round up to a whole number)	_____ x _____ = _____	_____

4. OTHER FEE(S)

Description	Fee Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Notice of Appeal fee increase from 2003 to present	90.00

SUBMITTED BY		Registration No. 54,688	Telephone 858-720-2765
Signature		(Attorney/Agent)	
Name (Print/Type)	Amy E. Simpson	Date	July 19, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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